

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 OCT -3 AM 10:37

UNITED STATES OF AMERICA,

Plaintiff,

Jose Luis QUINTERO-Arias,

Defendant

Magistrate Case No. S.D.C. U.S. DISTRICT COURT
'07 MJ 2364 DEPUTY
COMPLAINT FOR VIOLATION OF:
Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Bringing in Illegal Aliens Without
Presentation

The undersigned complainant, being duly sworn, states:

On or about **October 1, 2007**, within the Southern District of California, defendant **Jose Luis QUINTERO-Arias**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Salvador BARRAGAN-Cruz, Raul LIZARRAGA-Borquez, and Mauricio CRUZ-Ramirez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Terri L. Dimolios
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF OCTOBER
2007


Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:
Jose Luis QUINTERO-Arias****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Salvador BARRAGAN-Cruz, Raul LIZARRAGA-Borquez, and Mauricio CRUZ-Ramirez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On October 1, 2007, Border Patrol Agent David Chisum, was performing intelligence gathering operations near Jacumba, California. Agent Chisum was operating an unmarked service vehicle and was wearing plain clothes. Jacumba is located approximately twenty five miles east of Tecate, California Port of Entry and approximately 300 yards north of the U.S./Mexico International Border. This area is known for high volume smuggling operations due to its close proximity to the United States and Mexico border as well as easy access to Old Highway 80 and Interstate 8. At approximately 2:50 P.M. Agent Chisum was traveling eastbound on Old Highway 80 near Napa Road, and observed a group of five individuals running north across Old Highway 80 and attempt to conceal themselves in the brush approximately 30 yards north of the highway. Due to the close proximity to Old Highway 80, this is a popular spot used by alien smugglers to pick-up illegal aliens.

Agent Chisum made visual contact with the group, approached them, and identified himself verbally and by displayed his Border Patrol credentials. Agent Chisum questioned the four individuals, including defendant Jose Luis QUINTERO-Arias, as to their citizenship. Each of the subjects freely admitted being citizens and nationals of Mexico illegally present in the United States, without any documents that would allow them to enter or remain in the United States. All four subjects, including the defendant, were arrested and transported to the Boulevard Border Patrol Station for processing.

On October 01, 2007, at approximately 6:14 PM, Agent Sanchez advised Jose Luis QUINTERO-Arias of his Miranda rights in the Spanish language. Jose Luis QUINTERO-Arias said that he understood his rights and agreed to provide a statement without an attorney present. The defendant was born in Mexico, and is a citizen of Mexico. The defendant stated that on this occasion, he was with three other people that were being guided by a foot guide. The foot guide had returned back to Mexico.

MATERIAL WITNESS STATEMENTS:

Salvador BARRAGAN-Cruz and Raul LIZARRAGA-Borquez were interviewed concerning the smuggling event. Both stated that they are citizens and nationals of Mexico who do not possess documentation to enter into or remain in the United States. Both had made arrangements in Mexico to be smuggled into the United States. Raul LIZARRAGA-Borquez was to pay \$1400.00 upon arrival in Los Angeles, California. Salvador BARRAGAN-Cruz was to pay \$1500.00 upon arrival at Santa Barbara, California. Both individuals identified Jose Luis QUINTERO-Arias as the person who had guided them into the United States illegally. Identifications were made through a photographic lineup.

Routine record checks of Mauricio CRUZ Ramirez revealed a criminal and immigration history. CRUZ' record was determined by a comparison of his criminal record and his current fingerprint card. Official immigration records of the Department of Homeland Security revealed the Cruz was previously deported to Mexico on September 24, 2007 through the Port of Entry at Calexico, California. These same records show that the CRUZ has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.